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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

2019 OCT 29 PM 1:27

☐ Eastern (Jackson) DIVISION
☐ Western(Memphis) DIVISION

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WEST OF TN MEMPHIS

Annetta Lee Smith)

Plaintiff)

vs.)

XPO Logistics)

Defendant.)

No. _____

COMPLAINT

1. This action is brought for discrimination in employment pursuant to (check only those that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 – 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102 -166)

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 – 12117 (amended by the ADA Amendments Acts of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 1102-166).

NOTE: In order to bring a suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

JURISDICTION

2. Jurisdiction is specifically conferred upon this United States District Court by the aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of 1991, Pub. L. No. 102-166, and any related claims under Tennessee law.

PARTIES

3. Plaintiff resides at:

1467 Shady Birch Road
STREET ADDRESS
Shelby, Tennessee, 38116, 901-596-4026
County State Zip Code Telephone Number

4. Defendant(s) resides at, or its business is located at:

4795 Imagination Drive
STREET ADDRESS
Shelby, Memphis, Tennessee, 38118
County City State Zip Code

NOTE: If more than one defendant, you must list the names, address of each additional defendant.

5. The address at which I sought employment or was employed by the defendant(s) is:

4795 Imagination Drive

STREET ADDRESS

Shelby, Memphis, Tennessee, 38118
County City State Zip Code

6. The discriminatory conduct of which I complain in this action includes *(check only those that apply)*

- ☐ Failure to hire
- ☐ Termination of my employment
- ☐ Failure to promote
- ☐ Failure to accommodate my disability
- ☐ Unequal terms and conditions of my employment
- ☐ Retaliation
- ☒ Other acts(specify): Title VII

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

7. It is my best recollection that the alleged discriminatory acts occurred on:

Date(s)

8. I believe that the defendant(s) *(check one)*:

- ☐ is still committing these acts against me.
- ☒ is not still committing these acts against me.

9. Defendant(s) discriminated against me based on my:
(check only those that apply and state the basis for the discrimination. For example, if religious discrimination is alleged, state your religion. If racial discrimination is alleged, state your race, etc.)

☐ Race _____

☐ Color _____

☐ Gender/Sex _____

☐ Religion _____

☐ National Origin _____

☐ Disability _____

☐ Age. If age is checked, answer the following:
I was born in _____. At the time(s) defendant(s) discriminated against me.

I was [] more [] less than 40 years old. (check one)

NOTE: Only those grounds raised in the charge filed the Equal Employment Opportunity Commission can be considered by the federal district court.

10. The facts of my case are as follows:

The General Manager of KPO Logistics DTC, Reginald Thompson,
started physically harassing me during the month of September
2017- October 5th 2017. I accepted a position and completed
all my requirements to start working for KPO Logistics in September 2017.
Reginald Thompson pushed me during a morning meeting and my supervisor Damien Clayton,
Tim, Willie, and the Supervisor over the Disney case was present and witnessed it
Reginald Thompson flew thru the air and tried to knock me down. I held on to Hamme
Collen Rayburn, Jocko Biscue were all Present at the time and witnessed it.
(Attach additional sheets as necessary)

NOTE: As additional support for your claim, you may attach to this complaint a copy of the

charge filed with the Equal Employment Opportunity Commission or the Tennessee Human Rights Commission.

11. It is my best recollection that I filed a charge with the Tennessee Human Rights Commission regarding defendant's alleged discriminatory conduct on: _____
12. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 01/09/18.
Date

Only litigants alleging age discrimination must answer Question #13.

13. Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct. (check one):

- ☐ 60 days or more have elapsed
- ☐ Less than 60 days have elapsed.

14. The Equal Employment Opportunity Commission (check one):

- ☐ has not issued a Right to Sue Letter.
- ☒ has issued a Right to Sue letter, which I received on July 31, 2019.
Date

NOTE: This is the date you received the Right to Sue letter, not the date the Equal Employment Opportunity Commission issued the Right to Sue letter.

15. Attach a copy of the Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

NOTE: You must attach a copy of the right to sue letter from the Equal Employment Opportunity Commission.

16. I would like to have my case tried by a jury:

- ☒ Yes
- ☐ No

WHEREFORE, plaintiff prays that the Court grant the following relief:

- ☐ direct that the Defendant employ Plaintiff, or
- ☐ direct that Defendant re-employ Plaintiff, or
- ☐ direct that Defendant promote Plaintiff, or
- ☐ order other equitable or injunctive relief as follows: _____

☐ direct that Defendant pay Plaintiff back pay in the amount of _____ and interest on back pay;

☒ direct that Defendant pay Plaintiff compensatory damages: Specify the amount and basis for compensatory damages: Harassment

and Retaliation \$1,500,000.00

Amelia Lee Smith
SIGNATURE OF PLAINTIFF

Date: 10/29/2019

1544 Lehr Drive

Address

Memphis, Tennessee 38116

901-596-4026

Phone Number